

Minutes of Clean Air Act Task Force -Permit And Fees Committee

Meeting of June 19, 2003

Attendees: Rick Osa, STS Consultants; Ty Stocksdale, S.C. Johnson & Son; Ed Wilusz and Pat Schillinger, Wisconsin Paper Council; Myron Hafele, Kohler Co.; Jeff Schoepke, WI Manufacturers & Commerce; Michele Pluta, Alliant Energy; Mark Thimke, Foley & Lardner; Todd Palmer, DeWitt Ross & Stevens; Harold Frank, Dairyland Power Cooperative; Gary Van Helvoirt, WI Public Service Corp.; Carla Kramer, International Paper; Jason Martin, Short Elliott Hendrickson; Annabeth Reiter, StoraEnso North America; Jon Konings, WE Energies; Lloyd Eagan, Jeff Hanson and Steve Dunn, DNR Bureau of Air Management.

Welcome & Introductions provided by Jeff Hanson, WDNR.

Hanson provides overview of federal new source review rule changes using materials developed by U.S. EPA.

Hanson indicated that U.S. EPA has received 250,000 comments on its Routine Maintenance and Repair Proposal and is still going through them. U.S. EPA has told STAPPA/ALAPCO that they are seeking to finalize the Routine Maintenance and Repair rule by the end of 2003. U.S. EPA also is anticipating proposing rule revisions on debottlenecking, aggregation and an allowable emission based PAL by the end of 2003.

Lloyd Eagan, WDNR, opened the floor up for discussion and thoughts regarding how best to incorporate the federal changes to the NSR program in Wisconsin. Eagan said that it is the DNR's intention to work together with external stakeholders to change the state regulation to promote clean air in a way that works for business as well. How would the committee like to see the effort progress?

Several points of feed back were offered by meeting participants. Everyone around the table was asked for their thoughts. Wisconsin Manufacturers and Commerce and Wisconsin Paper Council representatives expressed concern over the length of DNR's proposed schedule, while others thought that the schedule was quite aggressive. Nonetheless, the most commented that because Wisconsin is ringed by States that are required to implement the federal changes as of March 3, 2003, the rule change process should go as quickly as possible.

Many commented that changes to the major source air permitting program should be cognoscente of the impacts of the minor source construction permit program, else intended flexibility provided by the rule changes will not be fully available. Concerns over the State's ability to adopt a rule that varies from the federal government's were raised as well as concerns over U.S. EPA's willingness to approve a program that differs from their own.

Several ideas were provided for addressing the rule changes ranging from small group review of specific topics to larger group analysis of more controversial areas. Some thought that more difficult areas should be addressed first, while others felt that less complex aspects should be dealt with, piecemeal, to gain momentum on the project. Work that STAPPA/ALAPCO is preparing to assist states in revising rules and implementing the changes should also be considered as an assisting tool. Hanson reported that U.S. EPA has stated to STAPPA/ALAPCO that they are not willing to address or review portions of State NSR programs, programs will be evaluated as a whole.

The committee favors an approach that would utilize smaller groups addressing the main components of the rule and reporting back to the larger committee. Several committee members have expressed interest in participating on the small groups, if they are formed.

Eagan said that DNR would take the feed back from this group and inform the committee of the agency's decision on how it will proceed at the next committee meeting. Hanson recommended the next meeting occur in mid to late July.

Steve Dunn, WDNR, informed the committee that DNR would be writing the General Construction Permit rule this summer.

RECENT DEVELOPMENTS ON THE NEW SOURCE REVIEW MATTER

DNR Secretary Scott Hassett inform the Natural Resources Board on June 24, 2003 of an initiative that has begun that will seek improvements in the air permitting arena. This initiative, called the Air Permit Improvement Initiative, establishes a two pronged approach to address air permit related concerns. One stem will look for methods to streamline the permit process; the other will address regulatory changes in the new source review program (see attached document). This initiative will have an obvious impact on the new source review changes, thus the targeted July meeting of the Permit and Fees Committee has not been scheduled as DNR develops its strategy for completing the NSR aspects of this initiative.